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STATUTORY INSTRUMENTS

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**2007 No. 1678**

**The Virgin Islands Constitution Order 2007**

THE CONSTITUTION OF THE VIRGIN ISLANDS

CHAPTER 5

THE LEGISLATURE

*Composition*

**Composition of Legislature**

**62.** There shall be a Legislature of the Virgin Islands which shall consist of Her Majesty and a House of Assembly.

**House of Assembly**

**63.—**(1) The House of Assembly shall consist of a Speaker elected as provided in section 69, thirteen elected members, and one non-voting *ex officio* member, namely the Attorney General.

(2) A law made under section 71 may alter the number of elected members of the House of Assembly, provided that the number of elected members shall be not less than thirteen; but no such law shall come into force—

(a) unless, where the law provides for an alteration in the number of electoral districts referred to in section 64(2)(b), a Bill providing for the altered number of electoral districts and their boundaries to take account of the altered number of elected members has been passed following a report by an electoral district boundaries commission; and

(b) until the dissolution of the House of Assembly next following the enactment of such law.

(3) For its enactment a Bill for a law made in pursuance of subsection (2) shall require the support of two-thirds of the elected members of the House of Assembly.

(4) A law made in pursuance of subsection (2) shall provide for the quorum in the House of Assembly and the Cabinet.

**Elected members**

**64.—**(1) The elected members of the House of Assembly shall be persons qualified for election in accordance with this Constitution and, subject to this Constitution, shall be elected in the manner provided by or under any law for the time being in force in the Virgin Islands.

(2) Subject to section 63(2), for the purposes of elections the Virgin Islands—

(a) shall be a single electoral district and shall return four members to the House of Assembly; and

- (b) shall also be divided into nine electoral districts in such manner as may be provided by or under any law for the time being in force in the Virgin Islands, and each such district shall return one member to the House of Assembly.

### **Qualifications for elected membership**

**65.**—(1) Subject to this section and section 66, a person shall be qualified to be elected as a member of the House of Assembly if, and shall not be qualified to be so elected unless, he or she—

- (a) was so qualified immediately before the commencement of this Constitution; or
- (b) is a person who—
  - (i) is a Virgin Islander of the age of twenty-one years or upwards; and
  - (ii) is otherwise qualified as a voter under section 68.

(2) Subject to subsections (3) and (4), for the purposes of subsection (1)(b)(i) a “Virgin Islander” is a person who belongs to the Virgin Islands by birth or descent who was—

- (a) born in the Virgin Islands of a father or mother who at the time of the birth was a British overseas territories citizen (or a British Dependent Territories citizen) by virtue of birth in the Virgin Islands or by virtue of descent from a father or mother who was born in the Virgin Islands;
- (b) born in the Virgin Islands of a father or mother who at the time of the birth belonged to the Virgin Islands by birth or descent; or
- (c) born outside the Virgin Islands of a father or mother who at the time of the birth belonged to the Virgin Islands by birth or descent.

(3) A person born outside the Virgin Islands who belongs to the Virgin Islands by descent shall not be qualified to be elected as a member of the House of Assembly unless one of his or her grandparents belonged to the Virgin Islands by birth.

(4) A person, whether born in or outside the Virgin Islands, who would otherwise be qualified to be elected as an elected member of the House of Assembly by virtue of subsection (1)(b) shall not be so qualified unless—

- (a) where that person has never been domiciled in the Virgin Islands, he or she has resided in the Virgin Islands for at least five years immediately before the date of his or her nomination for election; or
- (b) where that person was formerly domiciled in the Virgin Islands but has lived outside the Virgin Islands for a continuous period of at least ten years (excluding periods related to medical or educational purposes), he or she has resided in the Virgin Islands for at least three years immediately before the date of his or her nomination for election and is domiciled in the Virgin Islands at that date.

### **Disqualifications for elected membership**

**66.**—(1) No person shall be qualified to be elected as a member of the House of Assembly who—

- (a) holds, or is acting in, any public office;
- (b) has been adjudged or otherwise declared bankrupt under any law in force in any country and has not been discharged;
- (c) is a person certified to be insane or otherwise adjudged to be of unsound mind under any law in force in any country;
- (d) at the date of election, is under sentence of death imposed on him or her by a court of law in any country, or is serving or has at any time within the period of five years immediately preceding that date been serving any part of a sentence of imprisonment (by whatever

- name called) of at least twelve months imposed on him or her by such a court or substituted by competent authority for some other sentence imposed on him or her by such a court; or is under such a sentence of imprisonment the execution of which has been suspended;
- (e) is disqualified for membership of the House of Assembly by or under any law in force in the Virgin Islands relating to offences connected with elections; or
  - (f) is a party to, or a partner in a firm or a director or manager of a company which is a party to, any contract with the Government of the Virgin Islands for or on account of the public service, and has not, within fourteen days before his or her nomination as a candidate for election, published in the *Gazette* or in a newspaper circulating in the Virgin Islands a notice setting out the nature of such contract and his or her interest, or the interest of such firm or company, in it.
- (2) For the purposes of subsection (1)(d)—
- (a) two or more sentences of imprisonment that are required to be served consecutively shall be regarded as separate sentences if none of those sentences exceeds twelve months, but if any one of such sentences exceeds that term they shall be regarded as one sentence; and
  - (b) no account shall be taken of a sentence of imprisonment imposed as an alternative to or in default of the payment of a fine.

### **Tenure of seats of members of House of Assembly**

67.—(1) Every elected member of the House of Assembly shall vacate his or her seat in the House at the next dissolution of the House after his or her election.

(2) Notwithstanding that a member of the House of Assembly has vacated his or her seat by virtue of subsection (1), every such member shall be entitled to continue receiving the benefits and privileges of a member until the polling day for election for a new House of Assembly, provided that such benefits and privileges shall cease if the member fails to win a seat at the general election.

- (3) An elected member of the House of Assembly shall also vacate his or her seat in the House—
- (a) if he or she resigns it by writing under his or her hand addressed to the Speaker;
  - (b) if he or she is absent from the sittings of the House for such period and in such circumstances as may be prescribed in the Standing Orders of the House;
  - (c) if he or she ceases to be qualified for election;
  - (d) subject to subsections (4), (5) and (6), if any circumstances arise that, if he or she were not a member of the House, would cause him or her to be disqualified for election as such by virtue of any provision of section 66(1) other than paragraph (f); or
  - (e) subject to subsection (7), if he or she becomes a party to any contract with the Government of the Virgin Islands for or on account of the public service or if any firm in which he or she is a partner, or any company of which he or she is a director or manager, becomes a party to any such contract, or if he or she becomes a partner in a firm, or a director or manager of a company, which is a party to any such contract.

(4) If circumstances such as are referred to in subsection (3)(d) arise because a member is declared bankrupt, adjudged to be of unsound mind, under sentence of death or imprisonment or convicted of an offence relating to elections and if it is open to the member to appeal against the decision (either with the leave of the court or other authority or without such leave) he or she shall forthwith cease to perform his or her functions as a member but, subject to subsection (5), he or she shall not vacate his or her seat in the House until the expiration of a period of thirty days thereafter; but the Speaker may, at the request of the member, from time to time extend that period for further periods of thirty days to enable the member to pursue an appeal against the decision, so, however, that extensions of time exceeding in the aggregate one hundred and fifty days shall not be given without the approval, signified by resolution, of the House of Assembly.

(5) If, on the determination of any appeal, the circumstances referred to in subsection (4) continue to exist and no further appeal is open to the member or if, by reason of the expiration of any period for entering an appeal or notice of appeal or the refusal of appeal or for any other reason, it ceases to be open to the member to appeal, he or she shall forthwith vacate his or her seat.

(6) If at any time before the member vacates his or her seat the circumstances referred to in subsection (4) cease to exist, the seat of that member shall not become vacant on the expiration of the period referred to in subsection (4) and he or she may resume the performance of his or her functions as a member.

(7) If in the circumstances it appears just to the House of Assembly to do so, the House may exempt any elected member from vacating his or her seat under subsection (3)(e) if such member, before becoming a party to such contract as there described, or before or as soon as practicable after becoming otherwise interested in such contract (whether as a partner in a firm or director or manager of a company), discloses to the House the nature of such contract and his or her interest or the interest of any such firm or company in it.

(8) Any request by an elected member for exemption under subsection (7) shall be made by way of motion, which shall be placed on the Order Paper for a decision of the House of Assembly.

(9) In any case in which the House of Assembly, under subsection (7), decides not to exempt an elected member from vacating his or her seat, the member may appeal to the High Court against the decision, and subsections (4), (5) and (6) shall apply in the same manner as they do in the circumstances there specified.

### **Qualifications of voters**

**68.**—(1) Subject to subsection (3), a person shall be qualified to be registered as a voter for the purposes of elections if, and shall not be so qualified unless, he or she belongs to the Virgin Islands and on the qualifying date has attained the age of eighteen years and he or she either—

- (a) is domiciled and resident in the Virgin Islands on the qualifying date; or
- (b) on that date is domiciled in the Virgin Islands and resident in the United States Virgin Islands.

(2) Subject to subsection (3), any person who was qualified to be registered as a voter immediately before the commencement of this Constitution shall continue to be so qualified thereafter.

(3) No person shall be qualified to be registered as a voter under this section who on the qualifying date—

- (a) is a person certified to be insane or otherwise adjudged to be of unsound mind under any law in force in the Virgin Islands;
- (b) is disqualified by or under any such law from being registered as a voter for the purposes of elections by reason of his or her having been convicted of an offence relating to elections; or
- (c) is under sentence of death imposed on him or her by a court or is serving a sentence of imprisonment (by whatever name called) for a term exceeding twelve months imposed on him or her by a court or substituted by competent authority for some other sentence imposed on him or her by a court.

(4) In this section “the qualifying date” means such date as may be appointed by or under any law in force in the Virgin Islands as the date with reference to which the qualifications of any person for registration are to be ascertained.

(5) For the purposes of subsection (3)(c)—

- (a) two or more sentences of imprisonment that are required to be served consecutively shall be regarded as separate sentences if none of those sentences exceeds twelve months, but if any one of those sentences exceeds that term they shall be regarded as one sentence; and
- (b) no account shall be taken of a sentence of imprisonment imposed as an alternative to or in default of the payment of a fine.

### **Speaker and Deputy Speaker**

**69.**—(1) When the House of Assembly first meets after any general election and before it proceeds to the despatch of any other business it shall elect a person to be the Speaker of the House.

(2) If the office of Speaker falls vacant for any reason other than a dissolution of the House of Assembly, the House shall as soon as practicable elect another person to that office.

(3) The Speaker shall be elected from among the elected members of the House of Assembly or from persons qualified to be elected members of the House, other than Ministers, and no person shall be elected as Speaker if he or she is a person disqualified for election as a member of the House by virtue of any provision of section 66(1) other than paragraph (f).

(4) When the House of Assembly first meets after any general election and before it proceeds to the despatch of any other business except the election of the Speaker, it shall elect a member of the House who is not a member of the Cabinet to be Deputy Speaker of the House.

(5) If the office of Deputy Speaker falls vacant for any reason other than a dissolution of the House of Assembly, the House shall as soon as convenient elect to that office another member of the House who is not a member of the Cabinet.

(6) A person shall vacate the office of Speaker or Deputy Speaker—

- (a) on dissolution of the House of Assembly;
- (b) if he or she announces the resignation of his or her office to the House of Assembly or if by writing under his or her hand addressed to the House and received by the Clerk of the House he or she resigns that office;
- (c) if a motion on the Order Paper for his or her removal is carried by the votes of a majority of all the elected members of the House; or
- (d) if he or she is appointed to be a member of the Cabinet.

(7) A person shall also vacate the office of Speaker—

- (a) if he or she ceases to be a person qualified for election as a member of the House of Assembly;
- (b) if any circumstances arise that would cause him or her to be disqualified for election as an elected member of the House by virtue of any provision of section 66(1) other than paragraph (f);
- (c) on the expiration of a period of thirty days from the date of his or her election if he or she was at that date a party to, or a partner in a firm or a director or manager of a company which is a party to, any contract with the Government of the Virgin Islands for or on account of the public service and if, before the expiration of that period, he or she has not disclosed to the House of Assembly the nature of such contract and his or her interest, or the interest of such firm or company, in it and the House has not exempted him or her from vacating his or her office under this paragraph; or
- (d) if any circumstances arise that, if he or she were an elected member of the House of Assembly, would cause him or her to vacate his or her seat under section 67(3)(d).

(8) A person shall also vacate the office of Deputy Speaker if—

- (a) he or she ceases to be a member of the House of Assembly for any reason other than a dissolution of the House; or
- (b) by virtue of section 67(4), he or she is required to cease to perform his or her functions as a member of the House.

### **Leader of the Opposition**

- 70.**—(1) Subject to this section, the Governor may appoint a Leader of the Opposition.
- (2) The Governor shall appoint as the Leader of the Opposition—
- (a) a member of the House of Assembly recommended by a majority of the elected members of the House who are members of any opposition party whose numerical strength in the House is greater than that of any other opposition party; or
  - (b) if there is no such party or if no recommendation is made under paragraph (a), the member of the House of Assembly who in the judgement of the Governor is best able to command the support of the members of the House in opposition to the Government.
- (3) If at any time between the polling in a general election and the next following dissolution of the House of Assembly the Governor is satisfied that, if the office of the Leader of the Opposition were then vacant, he or she would appoint to that office a person other than the person then holding that office, the Governor shall revoke the appointment of the Leader of the Opposition.
- (4) The office of the Leader of the Opposition shall also become vacant—
- (a) if for any reason other than a dissolution of the House of Assembly the holder of that office ceases to be a member of the House; or
  - (b) if the holder of that office is appointed as a Minister.
- (5) In this section “opposition party” means a group of members of the House of Assembly in opposition to the Government who are prepared to support one of their number as their leader.
- (6) In the exercise of his or her functions under this section the Governor shall act in his or her discretion.

## *Powers and Procedure*

### **Power to make laws**

**71.** Subject to this Constitution, the Legislature shall have power to make laws for the peace, order and good government of the Virgin Islands.

### **Standing Orders**

**72.** Subject to this Constitution, the House of Assembly may make, amend and revoke Standing Orders for the regulation and orderly conduct of its own proceedings and the despatch of business, and the passing, entitling and numbering of Bills and the presentation of Bills to the Governor for assent.

### **Oaths and affirmations**

**73.** No member of the House of Assembly shall be permitted to take part in the proceedings of the House (other than proceedings necessary for the purposes of this section) until he or she has made and subscribed before the House an oath or affirmation of allegiance and an oath or affirmation for the due execution of office as such member in the forms set out in Schedule 1; but the election of the Speaker and Deputy Speaker may take place before the members of the House have made such oaths or affirmations.

### **Presiding in the House of Assembly**

74.—(1) The Speaker or, in his or her absence, the Deputy Speaker or, if they are both absent, a member of the House of Assembly (not being a member of the Cabinet) elected by the House for that sitting shall preside at each sitting of the House.

(2) References in this section to circumstances in which the Speaker or Deputy Speaker is absent include references to circumstances in which the office of Speaker or Deputy Speaker is vacant.

### **Voting**

75.—(1) Subject to this section, section 53(1), section 63(3) and section 69(6)(c), all questions proposed for decision in the House of Assembly shall be determined by a majority of the votes of the members present and voting.

(2) Only the elected members of the House of Assembly shall be entitled to vote—

- (a) in an election of the Speaker or Deputy Speaker;
- (b) on a motion on the Order Paper for the removal from office of the Speaker or Deputy Speaker; or
- (c) on a motion on the Order Paper that the House of Assembly should declare a lack of confidence in the Government of the Virgin Islands.

(3) The person presiding shall not vote unless on any question the votes are equally divided in which case he or she shall have and exercise a casting vote; but where the motion before the House of Assembly is one to which subsection (2) applies the person presiding shall not have a casting vote unless he or she is an elected member.

(4) In the event of an equality of votes on any question in respect of subsection (2) the motion shall be lost.

### **Validity of proceedings**

76. The House of Assembly shall not be disqualified for the transaction of business by reason of any vacancy in its membership (including any vacancy not filled when the House is first constituted or is reconstituted at any time), and any proceedings in the House shall be valid notwithstanding that some person who was not entitled to do so sat or voted in the House or otherwise took part in the proceedings.

### **Quorum**

77.—(1) Subject to section 63(4), a quorum of the House of Assembly shall consist of seven members besides the person presiding at the sitting.

(2) If at any sitting of the House of Assembly any member who is present draws the attention of the person presiding at the sitting to the absence of a quorum and, after such interval as may be prescribed in the Standing Orders of the House, the person presiding at the sitting ascertains that a quorum of the House is still not present, the House shall be adjourned.

### **Introduction of Bills, etc**

78.—(1) Subject to this Constitution and the Standing Orders of the House of Assembly, any member may introduce any Bill or propose any motion for debate in, or may present any petition to, the House, and the same shall be debated and disposed of according to the Standing Orders of the House.

(2) Except on the recommendation of the Minister responsible for finance, the House of Assembly shall not

- (a) proceed upon any Bill (including any amendment to a Bill) which, in the opinion of the person presiding in the House, makes provision for imposing or increasing any tax, for imposing or increasing any charge on the revenues or other funds of the Virgin Islands or for altering any such charge otherwise than by reducing it or for compounding or remitting any debt due to the Virgin Islands; or
- (b) proceed upon any motion (including any amendment to a motion) the effect of which, in the opinion of the person presiding in the House, is that provision would be made for any of the purposes mentioned in paragraph (a).

### **Assent to Bills**

**79.**—(1) A Bill passed by the House of Assembly shall become a law when—

- (a) the Governor has assented to it in Her Majesty’s name and on Her Majesty’s behalf and has signed it in token of such assent; or
- (b) Her Majesty has given Her assent to it through a Secretary of State and the Governor has signified such assent by proclamation published in the *Gazette*.

(2) When a Bill is presented to the Governor for assent the Governor shall declare that he or she assents to it or that he or she reserves the Bill for the signification of Her Majesty’s pleasure; but unless the Governor has been authorised by a Secretary of State to assent to it, the Governor shall reserve for the signification of Her Majesty’s pleasure any Bill which appears to him or her, acting in his or her discretion—

- (a) to be inconsistent with any obligation of Her Majesty or of Her Majesty’s Government in the United Kingdom towards any other state or power or any international organisation;
- (b) to be likely to prejudice the Royal prerogative; or
- (c) to be in any way repugnant to or inconsistent with this Constitution.

### **Disallowance of laws**

**80.**—(1) Any law assented to by the Governor may be disallowed by Her Majesty through a Secretary of State; but no law shall be disallowed until the expiration of a period notified by a Secretary of State to the Governor, who shall advise the Speaker of that period, in order to give the House of Assembly an opportunity to reconsider the law in question.

(2) Whenever any law has been disallowed by Her Majesty the Governor shall cause notice of such disallowance to be published in the *Gazette* and the law shall be annulled with effect from the date of publication of that notice.

(3) Section 16(1) of the Interpretation Act 1978<sup>(1)</sup> shall apply to the annulment of any law under this section as it applies to the repeal of an Act of Parliament, save that any enactment repealed or amended by or in pursuance of that law shall have effect as from the date of the annulment as if that law had not been made.

### **Governor’s reserved power**

**81.**—(1) If the Governor considers it urgently necessary, for the purpose of complying with any international obligation applicable to the Virgin Islands, that any Bill introduced, or any motion to which this section applies proposed, in the House of Assembly should have effect, then, if the House fails to pass the Bill or carry the motion within such time and in such form as the Governor thinks fit, and notwithstanding any provisions of this Constitution or any other law or any Standing Orders, the Governor may, subject to subsection (2), declare that such Bill or motion shall have effect as if it

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(1) 1978 c. 30.



had been passed or carried by the House, either in the form in which it was introduced or proposed or with such amendments as the Governor thinks fit which have been moved or proposed in the House or any committee of the House; and such Bill or motion shall be deemed thereupon to have been so passed or carried, and the provisions of this Constitution and, in particular, the provisions relating to assent to Bills and disallowance of laws, shall have effect accordingly.

(2) The Governor shall not make any declaration under this section except in accordance with the following conditions—

- (a) the question whether the declaration should be made shall first be submitted in writing by the Governor to the Cabinet and if, upon the question being submitted to it, the Cabinet advises the Governor that the declaration should be made, the Governor shall make the declaration;
- (b) if, when the question whether the declaration should be made is submitted to it as aforesaid, the Cabinet does not, within such time as the Governor thinks reasonable and expedient, advise the Governor that the declaration should be made, then the Governor may submit the said question to a Secretary of State and may make the declaration if, upon the question being submitted to him or her, the Secretary of State authorises the Governor to make the declaration.

(3) If any member of the Cabinet so desires, he or she may, within thirty days of the date of the making of a declaration under this section, submit to the Governor a statement in writing of his or her comments on the making of such declaration, and the Governor shall forward such statement, or a copy of it, as soon as practicable to a Secretary of State.

(4) This section applies to any motion—

- (a) relating to or for the purposes of a Bill;
- (b) proposing or amending a resolution which, if passed by the House of Assembly, would have the force of law; or
- (c) proposing or amending a resolution upon which the coming into force or continuance in force of any instrument subsidiary to a Bill depends.

(5) For the purposes of this section, a Bill shall be validly introduced, and a motion shall be validly proposed, if it is introduced or proposed by any one member of the House of Assembly.

(6) The powers conferred on the Governor by subsections (1) and (2) shall be exercised by the Governor in his or her discretion.

### **Privileges, immunities and powers of House of Assembly**

**82.** The Legislature may by law determine and regulate the privileges, immunities and powers of the House of Assembly and of its members, but no such privileges, immunities or powers shall exceed those of the Commons House of Parliament of the United Kingdom or of its members.

### *Miscellaneous*

### **Sessions of House of Assembly**

**83.**—(1) Subject to this section, the sessions of the House of Assembly shall be held at such times and places as the Governor, acting in accordance with the advice of the Premier, may appoint by proclamation published in the *Gazette*.

(2) The first session of the House of Assembly shall commence within a period of two months after the first general election held after the commencement of this Constitution, and thereafter there shall be a session of the House from time to time so that a period of three months does not intervene between the last sitting in one session and the first sitting in the next session.

(3) When the House of Assembly is in session, the Speaker may call meetings of the House from time to time and, if no meeting has been called sooner, shall call a meeting within two months of the previous meeting.

(4) In subsection (3), “meeting” means any sitting or sittings of the House of Assembly commencing when the House first meets after being summoned at any time and terminating when the House is adjourned *sine die* or at the conclusion of a session.

### **Prorogation and dissolution**

**84.**—(1) The Governor, acting in accordance with the advice of the Premier, may at any time, by proclamation published in the *Gazette*, prorogue the House of Assembly; but the Governor shall prorogue the House at least once in each calendar year except in any year during which the House is dissolved.

(2) The Governor, acting after consultation with the Premier, may at any time, by proclamation published in the *Gazette*, dissolve the House of Assembly.

(3) The Governor shall dissolve the House of Assembly at the expiration of four years from the date when the House first meets after any general election unless it has been sooner dissolved.

### **Recalling dissolved House of Assembly in case of emergency**

**85.** If, between a dissolution of the House of Assembly and the next ensuing general election, an emergency arises of such a nature that, in the opinion of the Governor, it is necessary for the House to be recalled, the Governor may, acting after consultation with the Premier, summon the House that has been dissolved, and that House shall thereupon be deemed (except for the purposes of section 86) not to have been dissolved, but shall be deemed (except as aforesaid) to be dissolved on the date on which the next ensuing general election is held.

### **General elections**

**86.** A general election shall be held at such time within two months, but not earlier than twenty-one days, after every dissolution of the House of Assembly as the Governor shall appoint by proclamation published in the *Gazette*.

### **Determination of questions as to membership**

**87.**—(1) The High Court shall have jurisdiction to hear and determine an appeal under section 67(9) and any question whether—

- (a) any person has been validly elected as a member of the House of Assembly; or
- (b) any elected member of the House of Assembly has vacated his or her seat in the House or is required by virtue of section 67(4) to cease to perform his or her functions as a member.

(2) An application to the High Court for the determination of any question under subsection (1)

(a) may be made by—

- (a) any person entitled to vote in the electoral district and at the election to which the application relates;
- (b) any person who was a candidate in that district at that election; or
- (c) the Attorney General.

(3) An application to the High Court for the determination of any question under subsection (1)

(b) may be made by—

- (a) any person entitled to vote at an election in the electoral district for which the member concerned was returned;

- (b) any elected member of the House of Assembly; or
- (c) the Attorney General.

(4) If an application is made under subsection (2) or (3) by a person other than the Attorney General, the Attorney General may intervene and may then appear or be represented in the proceedings.

(5) The Legislature may make provision with respect to—

- (a) the circumstances and manner in which, and the imposition of conditions upon which, any application may be made to the High Court for the determination of any question under this section; and
- (b) the powers, practice and procedure of the High Court in relation to any such application.

(6) An appeal shall lie as of right to the Court of Appeal from any final decision of the High Court determining such a question as is referred to in subsection (1).

(7) No appeal shall lie from any decision of the Court of Appeal in exercise of the jurisdiction conferred by subsection (6), and no appeal shall lie from any decision of the High Court in proceedings under this section other than a final decision determining such a question as is referred to in subsection (1).

(8) In the exercise of the powers conferred on him or her by this section, the Attorney General shall not be subject to the direction or control of any other person or authority.

#### **Penalty for unauthorised sitting or voting**

**88.**—(1) Any person who sits or votes in the House of Assembly knowing or having reasonable grounds for knowing that he or she is not entitled to do so shall be liable to a penalty not exceeding five hundred dollars for every day on which he or she so sits or votes, or such other penalty as may be prescribed by law.

(2) The said penalty shall be recoverable by action in the High Court at the suit of the Director of Public Prosecutions.